

FORUM ON WORKPLACE DIVERSITY



Moderator:

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Panelists: (Clockwise from left)

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Dinsmore & Shohl LLP

Barbara Boles, Director of
Human Resources and Diversity,
Cincinnati Reds

Raj Uttamchandani,
Vice President of Business
Development, ADP

Jon L. Fleischaker, Esq.,
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PHOTOS BY MARK BOWEN

Diversity: A Panel Discussion



Calvin Buford, a partner at Dinsmore & Shohl LLP, recently talked with a panel of business leaders about diversity in general and how the issue affects law firms in particular. The panelists came from a wide spectrum of companies, small to global, manufacturing to services. They shared insights into diversity and how it impacts business today.

MR. BUFORD: Let's start with a definition. What is diversity? What does it mean to you?

MR. FLEISCHAKER: To me, it means a variety of things. It's not only ethnic diversity. It's diversity of thought, of origins, of experiences. It's diversity of political beliefs. It's the willingness to learn from others who are not the same as we are.

MR. JEMISON: We live in a diverse society. If our businesses don't reflect that diverse society, it says something about our businesses. The more diverse your company is, the better your chances are

that you're going to come up with the right ideas, to make the right decisions, to influence your consumers. In general, we make better decisions when we have diversity, when we're not all looking and thinking exactly alike.

MR. BUFORD: I believe everyone is familiar with the racial, ethnic and gender dimensions of diversity.

But a further dimension that's somewhat new to me is generational diversity. Our lifeblood depends on bringing in young people, understanding how they are different and accommodating their work styles.

MS. ZAUNBRECHER: When we are out recruiting on campuses, there are far more women than men interested in working in a large firm. As we talk to this generation, we find that they expect not just gender and age diversity, but all the other elements of diversity as well. It's becoming a cultural expectation, and I think we're bringing a lot of people along internally and externally as we try to meet those expectations. We've got pioneers on the forefront - Jon Fleischaker being one of them.

MR. FLEISCHAKER: I think successful partners in law firms are people who have done it their way and, in large part, believe that that's the way it ought to be done. They believe, "You ought to be just like me."

MS. ZAUNBRECHER: Because we've always "done it this way"?

MR. FLEISCHAKER: Right. And that's the way it ought to be done. I think law firms sometimes have a challenge thinking outside the box and understanding that the world has changed significantly.

MR. BUFORD: Is it a fair observation that the legal profession has a heightened duty to model diversity because we are champions of the law and justice, supporting the very laws that are meant to promote diversity?

MR. UTTAMCHANDANI:

I struggle to agree with that, primarily because it's the equivalent of saying that accounting firms should be the model of best financial practices - and we've seen that does not work out so well. I believe that every company, not just law firms, needs to recognize that diversity is a big reason why America is such a great country. We must continue to strive for more diversity in business. I think the challenges that we face come down to the fact that, especially here in Cincinnati, we don't have a widely diverse population. I work in Ann

Arbor, Michigan, where there is a diverse population. It is a college town that attracts people of all genders, all ages, and all religious affiliations from all over the world. Diversity comes very easily in Ann Arbor. It's so natural to us that we don't look at anything besides an individual's capabilities and what they can possibly contribute to the company. From my company's perspective, diversity is just an inherent part of the way we do business.

MR. JEMISON: I don't believe that the legal profession has an extra obligation at all. I think we all have an obligation to try to do the right thing as best as we can day by day. There is a benefit: the consumer case. Even though we want to do the right thing, we don't always internalize it completely. It's something that we still have to consciously think about.

MS. LLAMBI: I agree that we all have an obligation. Certainly I feel that I have

an obligation because of my background. I think as attorneys, you are often involved in cases that deal with diversity and discrimination issues. I feel that if you are dealing, as attorneys, with those kinds of issues, you have an obligation and need to be the mentors, the models, for the profession.

MR. FLEISCHAKER: I certainly agree with that, but I'd go one step further. We have to recognize it is something that we need to do for the benefit of our firm. It's going to help business in the long run. It's going to help our work environment. It's a terrific environment if you can work with a whole bunch of different smart people.

MS. ZAUNBRECHER: It helps our future and is part of our long term strategy.

MR. FLEISCHAKER: It's a win-win situation. It's hard to convince people of that. We've got to get away from terms like "affirmative action." This is not about affirmative action. I don't think it's about morality. It's about good business and about building the law firm for the future. It's going to change - whether we like it or not.

MS. ZAUNBRECHER: We're seeing that with our own clients who say, "Bring us a diverse team to work on our projects." It's our obligation as their advisers to do what they've asked us to do. The business case supports it.

MR. JEMISON: I think there's another business aspect to this. We want to attract the very best and most diverse talent. One of the ways to do that is to make our community the place people want to live. We have to create an environment that is the top choice among diverse people. If we do a good job with that, we're going to get more and better talent. When we get more and better talent everybody wins.

MR. BUFORD: In Cincinnati we don't

have as diverse a population as many other cities, which makes our job of recruiting diverse talent more difficult. People are making decisions every day about where they're going to live. We know the kind of national exposure that Cincinnati has gotten over the years. I think a lot of times people are choosing not to live in Cincinnati.

MS. ZAUNBRECHER: We struggle with this in both recruiting and retention - because if you can go to Ann Arbor, D.C. or Chicago, you don't come to Cincinnati. We lose a lot of diverse candidates who would not consider coming to Cincinnati. They look at Chicago and see that it has got it all.

MR. UTTAMCHANDANI: Absolutely.

MR. BUFORD: We must make this environment one that's more attractive to a diverse population. Interestingly, Bob Castellini has done a number of things specifically to ensure that the Cincinnati Reds ownership includes diverse groups, specifically African-Americans. My guess is that Bob Castellini recognized

that encouraging African American ownership is not just the right thing to do, it's good business. Cincinnati's population is 45% black and Hamilton County is 23%. If you invite the black community to have a meaningful ownership stake in the Reds, they're more likely to buy tickets to games and spend money at the ballpark.

MS. BOLES: Absolutely. There have been many issues in the City of Cincinnati. I think we're very conscious of what we need to do, but I

think our actions have been unconscious. I do applaud the Castellinis for their inclusion efforts—inviting diverse partners such as the Ace Group is only one of the examples. Our business depends



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on diversity. It just makes good business sense to ensure we are very diverse in our hiring practices and everything that we do.

MR. JEMISON: I think that diversity has become part of the fabric of P&G. When we're trying to make decisions, we often ask if we are looking at every candidate. Are we considering everybody? Is the pool a good one? It's also a leadership thing; it has to start from the top. It's got to keep moving through generations at the top and then, over time, everybody naturally thinks about trying to be more inclusive.

MS. ZAUNBRECHER: It's like Ann Arbor at that point. It's part of the culture.

MR. BUFORD: It's not just tolerating diversity and achieving certain results. It's valuing diversity, truly appreciating it. That is the challenge that I don't believe has been fully met throughout the legal profession. Incidentally, Judge Nathaniel Jones very much agrees that the legal profession has a heightened obligation to model and champion diversity.

MR. UTTAMCHANDANI: Let's talk about value for a moment. Value becomes apparent to an organization when they actually begin to see the results from something. When a company's management can see the value that diversity has brought to the organization, then the business imperative becomes immediate. If law firms found a way to extract business value from diversity and quantify it more readily, you'd see more diversity within law firms. For a company like P&G with a market presence all over the world, the organization has accepted the fact that they have to market to various ages, genders, economic status, cultures, etc. As such, the organization immediately recognizes the business value associated with diversity. For a company like ADP, it's very similar. We market our services to companies of different sizes in different areas of the country. As such, it has become very easy for us to recognize the value of diversity. For law firms, it may be a little more difficult.

MR. JEMISON: Even at P&G, the diversity wasn't always there. Even though we served a diverse society for a long time, it wasn't always there. At a certain point, the company stepped out and said, "We're going to really make this a part of our everyday life and change things." I believe that the difference in anything successful is leadership. Whether it's a law firm or P&G or ADP or anybody else, it has to do with taking the lead. Then somebody else steps up and then somebody else. All of a sudden, you've got something. That's what we have to do here in Cincinnati: Take it step by step. People like Judge Jones have taken the leadership mantle and have helped move the community forward, bit by bit.

MR. BUFORD: Fortunately for all of us, Judge Jones has always believed that, as a member of the legal profession, he has a heightened obligation to champion diversity and he has dedicated his life to fulfilling that obligation.

MS. ZAUNBRECHER: We've spent a lot of time at Dinsmore & Shohl thinking about what more we can do. We've formed a Diversity Committee, that Calvin chairs. The group is committed to making the business case, getting our leadership and the

partnership to understand what needs to be done and to start that process. We're trying to recruit and retain good, diverse candidates. One of the things we're going to do is provide fellowships awarding money to try to incent law students to look at our community and this firm. Hopefully, these initiatives will help us in recruiting and retaining some of the best and brightest.

MR. BUFORD: By offering scholarships, we hope to encourage minority candidates to at least try Cincinnati as a part of our Summer Associate Program and experience the environment.

MS. ZAUNBRECHER: I think once you get them here, they may see some things they like.

MS. BOLES: I think that's an excellent start. So often an organization starts counting people and decides it is

diverse because they have a certain number of diverse employees. The challenge is not just counting people. It's making the people count.

MS. ZAUNBRECHER: Bringing diverse people in – that's hard. Keeping people is even harder.

MS. BOLES: Retention is hard. How do you make them count? You listen to their ideas and you support them.

MS. ZAUNBRECHER: And you make sure that they feel like they are part of the future.

MS. BOLES: Absolutely.

MS. ZAUNBRECHER: Jon has certainly done a good job in Louisville with this.

MR. FLEISCHAKER: I think it starts at the top and on a person-by-person basis. You build little by little, and then all of a sudden you've

got a great place to work. We've done well in Louisville because we've got a reputation for having a good practice, for welcoming different kinds of people. That makes it a lot better place to work.

MS. ZAUNBRECHER: I believe that is true. As a case in point, Dinsmore & Shohl now has so many women partners, I don't know the number anymore. We used to count them. I don't know what the percentage is today because it's high enough that it's not an issue. When I first started at the firm, that wasn't the case.

MR. FLEISCHAKER: You have to create an environment where you help people succeed. You help them succeed not on your terms, but on their terms.

MS. ZAUNBRECHER: There are different types of success for different people. One of our biggest issues comes when we get a wonderful candidate and they do a good job. The opportunities open to them are unbelievable. They're bombarded with opportunities from other firms, companies, etc. We've got to take the steps and create the culture to make our law firm the opportunity of choice.

MR. BUFORD: That's very much the retention point. It's not just making sure that all of our lawyers, including minority and women lawyers, see our firm as an opportunity for career advancement, but also that they see it as an environment in which they can thrive on a personal level. They must feel a part of the fabric of the firm.

MS. LLAMBI: That comes from encouraging them to have a voice. That is what I do in my small business. I allow everybody to have an opinion and I value everybody's suggestions. It is not just about finding what somebody is good at, but it is also about incorporating if possible what they believe they excel at. If there is a way to include that wish as part of their work in the firm, you are going to do a better job of retaining people.

MR. BUFORD: The point was made earlier that there is no problem finding talented women. In the law profession, more than 50 percent of the top graduates are women. But I would say that there is still a retention issue around women. Unless we are willing to do things a little bit differently – like offering more flexible work schedules – we're going to have difficulty retaining our best women associates.

MS. ZAUNBRECHER: I think P&G has done a phenomenal job in that area.

MR. JEMISON: Again, it has become part of the fabric of our system. I'll never forget – maybe 24 years ago – one of my good friends had a baby and there was no opportunity for her to come back part-time. We lost her. Now we do everything we can to make it easier for women to return. It's not always easy, but we have to adjust to make it work. I don't want to lose a single person because we couldn't be flexible enough to deal with their families.

MR. FLEISCHAKER: It's not just part-time, either. I've got people working at home, on their own schedule. As long as they get the work done, I'm not asking where, when or how. I've got young people, working at 11 o'clock at night – you can tell that when you get their e-mails. I think it bothers a lot of my peers because it's not the norm they knew "back when

"face-time" in the office was expected." I listen to those complaints and wonder what world they live in, because this world has changed.

MR. BUFORD: That is a very strong generational point. The generation coming out of school now tends not to like working in teams to the same extent that we did. They like to work a lot by themselves at their computers, because that's how they grew up, that's how they played. Now that's how they work.

Today, a diverse organization is important if you want to attract the best and brightest young people. It's not just minority candidates who are seeking diverse organizations. Non-minority candidates are also seeking organizations that reflect our society's remarkable diversity and enable them to work and interact with all types of people.

MR. JEMISON: In the best of worlds, we want our whole city to be that way so that we become the city of choice. Diversity is another business-building opportunity.

MR. UTTAMCHANDANI: Which is, I think, the point behind diversity being the responsibility of all the businesses in our community. You can attract a diverse, talented workforce. The question is: Will they stay? What makes someone stay in Cincinnati is not limited to offering a diverse workforce and the opportunity for advancement at their company. The real question is whether this community provides those individuals with a sufficiently diverse social environment that they would want to live in. I would argue that it would be very difficult to keep someone here who has lived in Chicago, Seattle or Los Angeles. Once they come to Cincinnati, even if you can maintain a diverse workforce within the four walls of your building, they don't see the same thing when they step outside.

MS. ZAUNBRECHER: We have actually lost very good law school candidates, one I remember was a young African-American woman, who said, "I want to find somebody to marry and I cannot find that person in Cincinnati. I'm going to D.C."

MR. JEMISON: I am from Chicago and I love living here. For raising my kids, I can't imagine a better place. Even though Chicago and New York and L.A. have certain advantages, we have advantages too. If

we create the very best environment, we can overcome the glitter enough to get that talent. We have to be active in our communities, trying to make them better. That's one of the things I love about Cincinnati. Quietly, a lot of people do a lot of things to improve our community. It just doesn't get the same publicity. It hurts my heart sometimes, because I do see the behind-the-scenes things. I think this is a great, great place because of that.

MR. BUFORD: I would argue that there is still much work to be done. That creates an opportunity for minority candidates coming to this city to stand out, to make a difference, to make a contribution. You can come here and really have a more meaningful existence, I think. That's one of the things that brought me back to Cincinnati versus New York, Chicago and D.C., where I worked in law firms over the summer. It was the opportunity to make a contribution and stand out; it's worked well.

MR. UTTAMCHANDANI: I agree that professional contribution and recognition plays a large part in an individual's decision on where to work and live. I would also agree that finding the right place to raise a family is a large part of the same decision. When I first started with ADP, they offered me a full relocation package to move to Ann Arbor. I declined it. I still live here and travel to my primary office in Ann Arbor. I didn't move there because I believe that Cincinnati is still a better place to raise my family. However, I would still argue that recruiting young talent away from a town like Chicago, Ann Arbor, Seattle or elsewhere to Cincinnati would be a struggle when the individual realizes the diversity of the community that they would be leaving behind.

MS. BOLES: I, too, grew up near Chicago, in Gary,

Indiana. I remember I was most times the minority among the majority. When we talk about diversity, are we considering diversity of thought and cultural background? Just because we look the same does not mean we think the same or that we enjoy the same things. That's one challenge to overcome. I think the other is to move from the Golden Rule – treat people the way you want to be treated – to the next step: the Platinum Rule – treat people the way they want to be treated. This requires that we spend more time getting to know people as individuals.

MR. BUFORD: I think ultimately how we manage and respond to people within our organizations has to be individualized. Even within minority groups, there is a ton of diversity.

MS. ZAUNBRECHER: It takes a mentoring process, which we're also working on. Once we have hired diverse candidates we must ensure success by creating a mentoring program that meets individual and specific needs. The problem is knowing what those are.

MS. BOLES: We had an interesting meeting at the Cincinnati Reds. We were discussing the development

of the Kids Club, so we invited a group to come up with ideas for kids. We came up with some great ideas. Then someone said, "Why don't we ask the kids?" That was brilliant. Why are we sitting in a room trying to figure out what kids want? That's another example of embracing diversity. For any type of recruiting, we need to focus on who's sitting around the table making the decisions. We need to make sure that we have the right people making decisions about

important issues.

MR. JEMISON: About six or seven years ago, we gave recruiting to a couple of our young lawyers. They completely manage the hiring process. They're a lot more knowledgeable about young people; it really has been a great benefit.

MS. ZAUNBRECHER: We've done the same thing, using associates at different levels and younger partners.

MR. BUFORD: What do you think about diversity training?

MS. ZAUNBRECHER: In some ways I think it's preaching to the choir. The people who do need it think it's a waste of their time and they're not going to benefit. In a partnership structure, it is very difficult to mandate anything for the whole. Without knowing much about the training that is done today, I'm not sure what you gain besides being able to report that you've done it.

MR. JEMISON: To some degree, you're right. I do believe that diversity training, or inclusion training, can be beneficial to everybody.

I had an amazing experience with this. We have an inclusion program called People Supporting People. I went to it in Lebanon, and it was just Saudis and Lebanese. It was totally amazing to really appreciate the environment that somebody else grew up in, what's important to them, and how they feel about religion or politics or other topics. It was another step toward making me a better person.

MR. UTTAMCHANDANI: I think it's important to develop young professionals within our companies and give them opportunities to work in other parts of the country or other parts of the world. I'm fortunate that I come from a culturally diverse background. I grew up in various parts of Asia and my parents still live in India. My wife and I travel with our children all over the world. Starting at a very young age, our kids are being exposed to different cultures, different religions and different kinds of people. I believe that giving individuals, especially when they start their careers, an opportunity to be exposed to more than what exists within their office building in Cincinnati would help make them understand and appreciate diversity. That's on-the-job diversity training.

MS. BOLES: I support diversity training because it starts the dialogue. Diversity is just critical to everything we do in business.



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BUFORD ON DIVERSITY

To many in the Cincinnati area, Calvin D. Buford has been the driving force behind the local Minority Business

Accelerator (MBA) for nearly four years. What they might not realize is that Buford served as the MBA's managing director while maintaining his partnership at Dinsmore & Shohl.

In 2003, Buford approached his law partners with an unusual request. He wanted a leave of absence from his position to lead the MBA, a project of the Cincinnati USA Regional Chamber.

"Management recognized it immediately as a win-win situation. It was the right thing for the community, the firm and me," Buford recalls. "They didn't just say it was a good thing to do. They also helped fund the effort, providing a very substantial in-kind contribution. I believe that speaks to the

firm's willingness to think outside the box."

With Buford's guidance, the MBA developed successful relationships between

Minority Business Enterprises and local corporations, leading to nearly \$200 million in contract awards with regional minority firms. In addition, eleven new high-potential minority firms were launched via strategic joint ventures and acquisitions. In 2006, Buford's final year as managing director, the MBA scored a significant milestone: Nine local African American-owned firms recorded more than \$20 million in annual revenues, compared to only two such firms in 2002.

Buford returned to Dinsmore & Shohl full-time in 2007. "It

was not easy to balance – leading the MBA and remaining an active part of the firm. Dinsmore & Shohl was very supportive in many ways – with administrative assistance, business advice, even executive service on MBE advisory boards," he says. "I feel good to be affiliated with a firm that gets it, a firm



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that makes the commitment to do the right thing."

It is what Buford terms Dinsmore & Shohl's "culture to succeed" that new attorneys seek. As the first African American elected partner at a major Cincinnati law firm, Buford understands both the need to cultivate diversity and the struggle to attract and retain minority and women attorneys.

"Perhaps the first step toward creating true diversity is making the business case for it within the law firm. Diversity is good business. I think most law partners understand the social and the moral imperative. I'm not sure they fully understand the business imperative," he says.

He leads Dinsmore & Shohl's efforts to

create an inclusive environment as chair of the firm's diversity committee. Initiatives include formal and informal mentoring, sponsorship and participation in a number of programs assisting minority and women law students seeking employment, and a commitment in both human and financial resources to minority law programs and community services.

"It's not just tolerating diversity and achieving certain numbers. It's valuing diversity, truly appreciating it and – slowly but surely – weaving it into the fabric of the organization," he adds. "That is the challenge we are determined to meet at Dinsmore & Shohl."

THE STATE OF DIVERSITY

Many law firms have launched myriad initiatives, programs and challenges to address diversity. No doubt, progress has been made. Recent and longitudinal studies analyzed by the NALP Foundation for Law Career Research and Education, however, indicate that much work remains to be done.

In March 2007, the NALP Foundation published "Troubling Diversity Issues Emerge from Foundation Research Data," revealing that minorities now comprise about 20 percent of law school graduates, 16.7 percent of all associates and 5 percent of all partners in U.S.-based law firms.

The article questions how well the profession is really doing, based on other statistics. At nearly every measuring point, minorities leave employers at higher rates than non-minorities. After one year of employment, 11.5 percent of minority males and 12 percent of minority females depart their firms, as contrasted with 8 percent of non-minority males and 10.9 percent of non-minority females. The trend continues through the second, third and fourth years of hire. By the fifth year, nearly 80 percent of minority entry-level associates have moved on.

Many firms, including Dinsmore & Shohl, find retention a major challenge. One reason may be the opportunities afforded successful minority attorneys. Some of the departures mentioned above result from moves to positions as in-house counsel.

The Foundation contends that many other factors may contribute to the attrition rate. Insufficient evaluation practices, inadequate

assignments and uncomfortable work situations can cause a cumulative effect on minority associates and their productivity levels.

Dinsmore & Shohl continues to find new ways to address these issues. Formal and informal mentoring takes place for all new associates, with training provided for all mentors as well. Professional development sessions aid all new attorneys, with special programs designed to assist minorities and women.

Recruitment efforts target predominantly African American law schools and Minority Job Consortia. The firm also actively participates in the Black Lawyers Association of Cincinnati programs and the Cincinnati Clerkship Plan Program, a commitment to hire at least one first-year minority law student each summer. The Dinsmore & Shohl Women's Leadership

Forum promotes women attorneys in the community while addressing issues that may be exclusive to them.

These efforts show promise for the firm. Dinsmore & Shohl posts an impressive track record for hiring minorities and women. Over the last 14 years, 36 minority associates and 65 summer associates have joined the firm. In the last few years, nearly 30 percent of summer hires have been minority students. Two women serve on the firm's board of directors and management council. Today,

36 women are partners and 63 are associates. Women chair seven firm committees, including Recruiting and Professional Development.

"Some of the challenges we deal with in recruiting minorities are heightened in the areas we serve; the pool of candidates is smaller than Miami or Chicago or other major metropolitan areas," says Dinsmore & Shohl Partner and Recruiting Committee Chair Colleen Lewis. "Part of the solution is to increase our market share. Another is to increase the pool itself."

Dinsmore & Shohl this year plans to launch a new effort to increase that pool. A new scholarship program will bring minority students to the region – candidates who might never have considered the area otherwise.

"We believe that once people get a taste of what the firm and the region have to offer, they will stay," says Calvin Buford, a partner at Dinsmore & Shohl.

"That's the goal – to entice the best and brightest candidates to look outside of New York, Chicago and the other mega markets. We believe Cincinnati, Louisville, Pittsburgh and the other markets we serve offer talented minority lawyers a unique opportunity to stand out from the crowd and make a meaningful and lasting impact as leaders in their communities.

It is this kind of demonstrated commitment to diversity, the NALP Foundation submits, that is needed to make a lasting, effective change to diversify the legal profession.

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